

**Montana Department
of
Fish, Wildlife & Parks**



Region One
490 North Meridian Rd.
Kalispell, MT 59901
(406) 752-5501
FAX: 406-257-0349
Ref: KC08.97
October 3, 1996

Dear Interested Party:

Thank you for your comments on the **Royal Tine Elk Game Farm** Expansion. We appreciate you taking the time and effort to express your thoughts.

I am enclosing a copy of the Final Environmental Assessment (EA) and a copy of the Decision Notice. We do appreciate your input, and as you will see, we have revised the EA to address some of the more substantive comments and believe that we have addressed all of the concerns that you have expressed. You will also find specific responses to your written comments in the Decision Document.

The Applicants have 30 days to accept the Decision by Fish, Wildlife & Parks (FWP) or make changes to their application to mitigate or correct any problems or deficiencies. If they choose to make changes to their application, FWP must reconsider the application with the proposed changes within 30 days of receipt of the changes.

Again, thank you for taking the time to express your views on this matter.

Sincerely,

Kevin Coates
Wildlife Biologist

/nb
Enclosures

Flathead

**ROYAL TINE ELK GAME FARM
DECISION DOCUMENT
SEPTEMBER 30, 1996**

PROPOSED GAME FARM APPLICATION

The Montana Fish, Wildlife and Parks (FWP) received an application for an Elk game farm license from Justin Haveman, Facility Mgr., 319 Sylvan Dr., Bigfork, MT 59911, and Doug Averill, Box 248, Bigfork, MT 59911, on May 8, 1996. On June 6, 1996 FWP accepted the original application by letter which initiated a formal review process which resulted in the completion of a draft Environmental Assessment (EA).

The applicants propose to fence 520 acres and raise ≥ 70 male elk. The parcel is in Flathead and Lake Counties. This is an expansion of an existing facility, separated by a State Highway and animals being moved from the original facility to the expansion will be transported by truck across the right-of-way. Plans have been submitted to and approved by the Department of Livestock allowing use of one quarantine facility for both areas. The proposed area is heavily wooded and has broken topography providing some buffering to nearby residences. Vegetation and topography mitigate risks to human safety in the event that fee hunting is implemented by applicants in the future. Younger bulls will be managed for antler harvest. The 520 acre parcel of land being considered is currently being used for trailrides, barbecues, and pasturing horses. These activities may continue in the future. There is an intermittent stream, with free flowing reaches on the parcel. Soil disturbance, damage to vegetation, and fecal deposition, due to horse movement and feeding practices, are present in some reaches of the intermittent stream. The creek percolates underground before leaving the property. Ultimately water percolates below ground, under the highway, and collects in a shallow pond located partly on the original game farm property. Surface water from this pond extends outside the applicant's property fence on the existing game farm into a closed basin (Lamb 1996).

THE MONTANA ENVIRONMENTAL POLICY ACT PROCESS (MEPA)

Pursuant to MEPA, FWP is required to assess the impacts of the proposed action to the human environment. FWP completed a Draft Environmental Assessment of the proposed game farm expansion on September 30, 1996. During this process, it was determined that a full Environmental Impact Statement would not be required. The Draft EA was distributed to the Montana Environmental Quality Council, Montana Department of Health and Environmental Quality, Montana Historical Society, Montana State Library, Montana Department of Livestock, FWP Regional Offices, Lake County Commissioners, area Legislator, Flathead Regional Planning Office, Lake County Planning Office, Flathead County Library, and interested individuals. FWP had legal notices printed in the local newspaper. Requests for comments on this proposed game farm were also published in the State Bulletin Board and the Region's News Release. There was a public meeting with the adjacent landowners held on September 8, 1996. The original 27 day public comment period which began August 16 and closed on September 12, was extended to September 20, 1996.

ISSUES OF CONCERN IN THE EA

The EA process identified no significant environmental impacts. Minor impacts will be mitigated. Most issues raised in public comments are addressed in various ARM Rules and statutes specific to game farms. Local ordinances will not be violated by the proposed action. Federal and state laws governing the operation of the business must be complied with.

SUMMARY OF PUBLIC RESPONSES

In response to public scoping, FWP received 16 written replies, 3 petitions, and several phone calls expressing various concerns about the proposed action of fencing 520 acres for the purpose of elk farming. Concerns were evaluated by FWP to determine significance of the issue being raised. Substantive issues were raised by the public and FWP expanded analysis of the EA to include those areas. Many of the concerns raised by the public were already included in the analysis, but some concerns pertained to subjects not within the jurisdictional authority of FWP. A summary of issues raised by public and FWP response follows:

SPECIFIC RESPONSE TO COMMENTS

1. Killing elk for trophies and/or mutilating them for antler harvest is not acceptable.

Response: Not within the scope of this analysis (permitted under Montana Statute 87-4-415 and 87-4-416).

2. Not compatible with other Flathead Valley land uses/lifestyles.

Response: The applicants must comply with all appropriate zoning regulations.

3. Concern for noise increases.

Response: Addressed in Final EA, page 9, comment 6.a.b.

4. Opposed because of belief proposed expansion was on public property.

Response: The proposed expansion area is in private ownership.

5. Number of elk not limited and pasture degradation possible.

Response: Number of elk is not limited, but pasture condition will be monitored by the regulatory agency and percent vegetative cover and composition will be preserved and managed by the applicants under good stewardship practices (see Final EA page 18, Stipulation 8).

6. Safety concerns expressed by neighbors for shooting hazard areas near highway and trailer courts.

Response: Addressed in the Final EA page 11, Comment 8.c.; page 12, Comment 9.g.; and page 18, Stipulation #10.

7. Public scoping process flawed with regard to FWP's representation of the public's role in determining the validity of fee hunting.

Response: Not within the scope of this analysis (permitted under Montana Statute 87-4-415 and 87-4-416).

8. Disagreed with FWP's timber analysis in the EA.

Response: Distribution of trees is not uniform across the entire expansion area, and the majority of the area has not experienced significant timber harvest.

9. Believed license should be denied because meat from old bulls that were shot for trophies was not good to eat.

Response: Sale or disposition of the meat is not within the scope of this analysis. Use of carcass, parts, or by-products is regulated by Montana Statute 87-4-416.

10. Disagreed with the concept of fee hunting for profit.

Response: Not within the scope of this analysis (see Montana Statute 87-4-415).

11. Concerned with impacts water uses around pond on Elk Glen Game Farm.

Response: Water quality effects on the pond at the original Elk Glen Game Farm do not appear to be related to activities in the proposed expansion area. This is covered in the Final EA, page 5, Comment 3.a.

12. Fee hunting not compatible with Montana hunting tradition.

Response: Not within the scope of this analysis (permitted under Montana Statute 87-4-415 and 87-4-416).

13. Concerned for disease transmission risks associated with pond on Elk Glen Game Farm.

Response: Water quality effects on the pond at the original Elk Glen Game Farm do not appear to be related to activities in the proposed expansion area. This is covered in the Final EA, page 5, Comment 3.a.

14. Concerned for adverse air quality effects.

Response: Covered in the Final EA, page 4, Comment 2.b.

15. Disagreed with FWP's estimate of number of white-tailed deer that would be displaced from the area.

Response: Estimate was based on the year-long carrying capacity of the area and observed browse utilization.

16. Concerned that the proposed action would result in access problems for neighbors (related to water run-off problems that occurred during logging and fence construction).

Response: Covered in the Final EA, page 3, under No Action.

17. Concerned that sanitary practices be followed for disposal of elk carcasses and offal.

Response: Under the jurisdiction of The Department of Livestock (see Montana Statute 87-4-408, Health).

18. Concerned that nearby property would be devalued.

Response: Covered in the Final EA, page 12, Comment 9.a.

19. Concerned for increased trespass risk across neighboring properties by elk viewers and/or hunter.

Response: The parcel is not visible from the highway and is not associated with any vistas or viewing areas. It will not be a destination recreation area, and FWP does not expect an increase in the number of people attempting to view elk. Hunter access will be managed by game farm personnel, and impacts to neighbors should not be significant.

20. Concerned that wild elk would be attracted and made vulnerable to hunters.

Response: Local reports indicate very low numbers of wild elk being observed in the area of the game farm.

21. Concerned that notices for public scoping and EA not sent in time or at all.

Response: All adjacent property owners were notified of the EA on 8/9/96, and the public comment period was extended from 9/12/96 to 9/20/96.

22. Concerned for effects on grouse in the area.

Response: Some turkeys and grouse will continue to use the area after the fence is completed.

23. Concerned with zoning conflict.

Response: The applicants must comply with all appropriate zoning regulations.

24. Concerned that road had already been widened for Elk Glen at taxpayers expense.

Response: The proposed game farm is not visible from the highway, and it is not a destination recreation area, and FWP does not expect an increase in traffic levels (see Final EA, page 12, Comment 9.g.).

PETITIONS

Twenty-eight (28) signatures on three (3) petitions opposing proposal because:

1. Killing elk for trophies and/or mutilating them for antler harvest is not acceptable.

See FWP response to #1 above.

2. Cruelty.

See FWP response to #1 above.

3. Poor meat quality.

See FWP response to #9 above.

4. Profit driven motive.

See FWP response to #10 above.

5. Water quality concerns in pond at Elk Glen Game Farm.

See FWP response to #13 above.

6. Safety concerns to nearby residences and travelers on the highway.

See FWP response to #6 above.

PUBLIC MEETING

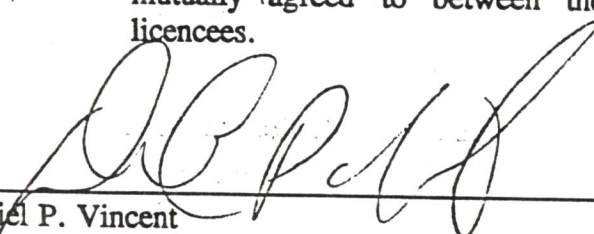
23 people attended

THE DECISION AND STIPULATIONS

The Licensee must be in compliance with all game farm statutes and rules. After reviewing this application, the draft EA, and public comments, I approve issuing a license with the following stipulations:

1. No supplemental feeding will occur within 100 feet of any fence or stream channel.
2. Licensees shall follow commonly accepted sanitation practices regarding methods for disposing of, and final destination of carcasses and other infectious waste.
3. There shall be regular and frequent fence inspections by licensees to locate potential areas of ingress/egress.
4. To prevent ingress or egress, the fence will have a gate system designed so that ingress of wild animals or egress of game farm animals would not occur when trailrides enter or leave the game farm. All gate design and locations must be approved prior to construction by FWP.
5. Licensees shall report both ingress and egress to FWP immediately upon discovery, determine and remedy the problem immediately.
6. If fence integrity appears to be a problem upon initial inspection of construction at rock outcrops and adverse slopes, adjustments will be made as agreed with FWP.
7. Removing free ranging big game from the expansion area is the responsibility of the licensees pursuant to Montana Statute 87-4-410 and must be completed prior to the fence being closed. FWP will have 60 days after issuance of the license to determine the base number of animals remaining and FWP will have 120 days from the date the base number was determined to remove those animals. If FWP decides not to remove the animals, or there are animals remaining after the removal effort, the public must be granted access to harvest those animals during a special hunt scheduled for that purpose during the next regular hunting season.
8. The condition and percent cover of vegetation within the game farm will be monitored by the regulatory agency and managed by the licensees under good stewardship practices.
9. The licensees must comply with all appropriate zoning regulations.

10. The fence will be signed by the licensees to warn the public of possible risks. The sign, shape, and language on the signs will be mutually agreed to between the administering agency and licensees.



Daniel P. Vincent

9/30/96

Date

Doug Averill, Owner

Date

Justin Haveman, Facility Manager

Date